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Attorney's Docket No. 42250/234021 (5830-4A)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Staskawicz <i>et al.</i>	Confirmation No.:	2026
Appl. No.:	09/864,680	Group Art Unit:	1638
Filed:	May 24, 2001	Examiner:	Medina Ahmed Ibrahim
For:	BS2 RESISTANCE GENE		

December 23, 2002

**STATEMENT IN SUPPORT OF FILING A SUBSTITUTE SEQUENCE LISTING**  
**UNDER 37CFR § 1.825**

BOX NON-FEE AMENDMENT  
U.S. Patent and Trademark Office  
P. O. Box 2327  
Arlington, VA 22202

Sir:

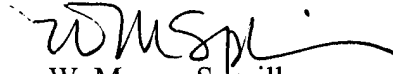
In response to the Office Action mailed September 25, 2002 (Paper No. 4), please replace the sequence listing and the computer-readable form as originally filed in the present application with the attached sequence listing and the substitute computer-readable form submitted concurrently herewith.

The Office Action indicates that new paper and computer-readable forms of the sequence listing must be submitted because the specification recites sequences on page 29, lines 9, 12, and 20-21 without a sequence identifier or SEQ ID NO. The Office Action further indicates that the specification must be amended to include the SEQ ID NOS. for these sequences. Accordingly, the sequence listing has been amended to include the sequences recited on page 29 of the specification. The specification has also been amended at page 29 to add the required sequence identifiers. It is submitted that the amendments, made in accordance with 37 C.F.R. §1.825(a), included in the substitute sequence listing do not include new matter.

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Page 2

I hereby state that the substitute copy of the computer-readable form, submitted in accordance with 37 C.F.R. §1.825(b), is the same as the amended sequence listing.

Respectfully submitted,



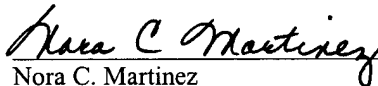
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Nora C. Martinez